

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARTIN BAYE BALAN ALUWA  
Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

Officer Pacheco # Officer Blech  
-against-  
# 2. Larios # 144

COMPLAINT

Do you want a jury trial?  
☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

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CLERK OF COURT  
2024 FEB 12 PM 12:27

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

EXCESSIVE FORCE, FAILURE TO INTERVIEW, FALSE ARREST, MALICIOUS PROSECUTION

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_

\_\_\_\_\_  
If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_  
(Defendant's name)

\_\_\_\_\_  
or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of \_\_\_\_\_

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

MASTER BAYE BALAH ZAH  
First Name Middle Initial Last Name  
129 TUTION St.  
Street Address  
US NY 10038  
County, City State Zip Code  
\_\_\_\_\_  
Telephone Number Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

Officer Pacheco  
 First Name Last Name  
NYPD  
 Current Job Title (or other identifying information)  
District 32  
 Current Work Address (or other address where defendant may be served)  
Brooklyn, NY NY  
 County, City State Zip Code

Defendant 2:

Officer Blech  
 First Name Last Name  
NYPD  
 Current Job Title (or other identifying information)  
District 32  
 Current Work Address (or other address where defendant may be served)  
Brooklyn NY  
 County, City State Zip Code

Defendant 3:

Officer Harris #144  
 First Name Last Name  
NYPD  
 Current Job Title (or other identifying information)  
District 32  
 Current Work Address (or other address where defendant may be served)  
 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence:

FLATBUSH AVE. STATION

Date(s) of occurrence:

OCT. 10, 2023

### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

See ATTACHED pg. (3)

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff was already suffering from a previous injury. Pacheco and Officer's excessive force caused Plaintiff great pain and were made worse by their actions.

#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Plaintiff is seeking Seven Million Dollars for damages due to Defendants' unlawful acts.

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

1.26.24		2.12.24		MASTER BAYE BALAH ALAH	
Dated				Plaintiff's Signature	
MASTER BAYE BALAH ALAH					
First Name		Middle Initial		Last Name	
129 TUDOR ST.		NY			
Street Address					
NY		NY		1038	
County, City		State		Zip Code	
NONE				NONE	
Telephone Number			Email Address (if available)		

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

On Oct. 10 between the hours of 2 AM - 2:45, I. Masicek and Daniel A. Walsh was at the Flatbush Ave Station when I was approached by an Outreach Worker who asked me if the phone that was charging was mine. Plaintiff told the worker not to touch the phone. The worker repeated his question and Plaintiff repeated his answer. This seemed to anger the worker. He then went and got the 2. that was on the scene along with several other officers who are unidentified. At this time, two of these officers were Pacheco and Biech. The 2. asked Plaintiff if he charged the phone that was charging in the outlet. Plaintiff told the 2. that it was his. The 2. that asked was also hanging out in the station and that I was to get on the next train. Plaintiff told me 2. that as soon as the I was finished with my business that I would go. Plaintiff told me 2. that he does not keep a hangout in the station. The 2. then told Plaintiff that because he was charging his phone and had his backpack in an empty seat on a empty bench that he could have wrote him a ticket for both of these things but took it up it. Plaintiff then told the 2. that he was the only officer who has said anything to Plaintiff about the phone charging and the backpack on the bench and if he didn't unplug the phone and remove the backpack the 2. then said that Plaintiff would still have to leave the Flatbush Ave Station. Plaintiff repeated what he had told the 2. earlier that he would leave the station as soon as he finished his business. The 2. then had one of the officers write Plaintiff a D.A.I. for taking up more than one space on an empty bench. Then he and the other officers who were surrounding Plaintiff told Plaintiff that he would have to leave the station. Plaintiff told the defendants that he was not going to another station or leave the station because Plaintiff had broken no laws and had said that he was to enter the system. All the defendants then forcefully keyed Plaintiff out of the system. Plaintiff told the defendants that he would re-enter the system through another entry point. All these events happened on track 3.



PLAINTIFF WALKED TO ANOTHER ENTRANCE AND TRIED TO REGAIN ENTRY AND WAS NOT ALLOWED BY THE DEFENDANTS AT HIS TURNSTILES AND WAS NOT ALLOWED ENTER. PLAINTIFF TOLD THE DEFENDANTS WHAT HE WOULD WAIT THEM OUT. DEFENDANTS THEN TOLD PLAINTIFF HE SHOULD GO TO ANOTHER STATION AND PLAINTIFF REFUSED. IT WAS AT THIS POINT THAT THE 2 OFFICERS RACHECO AND BLECH TO ARREST PLAINTIFF AND CHARGE PLAINTIFF WITH ~~INFLUENCE~~ <sup>OFF</sup> SERVICE. THIS TOOK PLACE AT THE BACK ENTRANCE OF THE HATBUSH AVE TRAIN STATION.

PLAINTIFF WAS TAKEN TO DISTRICT 32. THE ARRESTING OFFICERS WERE RACHECO AND BLECH. THE ENTIRE INCIDENT WAS RECORDED BY THE DEFENDANTS AT THE HATBUSH AVE STATION AND AT DISTRICT 32. UPON ENTERING DISTRICT 32 RACHECO AND BLECH ALONG WITH AN ASIAN LT. AND THE OTHER OFFICERS PLACED THEIR CAMERAS ON THE DECK.

DOE 10 PLAINTIFF'S ~~INFLUENCE~~ <sup>INFLUENCE</sup> PLAINTIFF BEGAN TO ROCK FROM SIDE TO SIDE AND WAS BROUGHTED RACHECO WHO TOLD PLAINTIFF TO STOP ROCKING. PLAINTIFF REFUSED.

RACHECO RACHECO THEN TRIED TO MAKE PLAINTIFF ~~STOP~~ <sup>STOP</sup> PRESSING DOWN ON THE CURTS. WHEN SHE LET HER RIGHT LEG WAS BETWEEN PLAINTIFF'S AND EVEN THOUGH PLAINTIFF WAS SHOUTING AND WAS NON-VIOLENT RACHECO THREW PLAINTIFF TO THE GROUND WHEN SHE REALIZED WHAT SHE WAS DOING AND SHE SHOUTED OUT

FOR THE CAMERA "OH, YOU'RE TRYING TO ESCAPE?" AGAIN PLAINTIFF THROU AT HIS LEGS AND LOWER BACK WERE TRYING TO ESCAPE IMPOSSIBLE. MY INABILITY TO WALK OR STAND TO STRAIGHT ~~WAS~~ <sup>IS</sup> EVIDENT IN THE VIDEOS OF THE ~~DEFENDANTS~~ <sup>DEFENDANTS</sup> BODY CAMS.

WHILE ON THE GROUND PLAINTIFF ASKED RACHECO AND BLECH, WHO WAS APPLYING PRESSURE ON MY SPINE, ~~CAUSING~~ <sup>CAUSING</sup> PLAINTIFF PAIN BY PRESSING DOWN ON MY BACK AFTER RACHECO THREW ME ON THE FLOOR IF THEY WERE FINISHED.

BEING THROWN ON THE ~~FLOOR~~ <sup>FLOOR</sup> GROUND TO HANDCUFFS AND THEN HAVING BLECH PUT HIS WEIGHT ON PLAINTIFF'S BACK CAUSED PLAINTIFF'S PAIN TO INCREASE FORCING DEFENDANTS TO TAKE PLAINTIFF TO KING COUNTY HOSPITAL.

PLAINTIFF STATES THAT DEFENDANTS ACTIONS VIOLATED PLAINTIFFS RIGHT TO BE FREE FROM EXCESSIVE FORCE. BY KACEHO AND BIECH. PLAINTIFF STATES THAT THE REST OF THE DEFENDANTS DID NOT INTERVENE TO STOP THE EXCESSIVE FORCE THAT WAS USED BY KACEHO AND BIECH. PLAINTIFF STATES THAT THE 2<sup>ND</sup>, KACEHO AND BIECH TOOK ARRESTED PLAINTIFF BY CHARGING PLAINTIFF WITH A VIOLATION OF THE LAW THAT PLAINTIFF DID NOT COMMIT.

PLAINTIFF STATES THAT ONCE HE WAS BROUGHT BACK TO DISTRICT 32 AFTER LEAVING KING COUNTY HOSPITAL HE WAS <sup>BEING</sup> RELEASED FOR THE 2<sup>ND</sup> ARREST. THIS WAS WHEN 2<sup>ND</sup> HARRIS CAME OUT THE OFFICE AND ASKED IF THE ARRESTING OFFICERS ANY WAS TOLD BY ANY THAT PLAINTIFF HAD REFUSED TO LEAVE WHEN THEY TOLD PLAINTIFF TO AND THAT PLAINTIFF HAD REFUSED TO ACCEPT THE DAT FOR OCCUPYING MORE THAN ONE SEAT. WHEN SHE TURNS BACK AT PLAINTIFF AND WHEN STATES TO THE ARRESTING OFFICERS "OH YOUNG MAN HE REFUSED TO LEAVE WHEN YOU TOLD HIM AND THE DAT." FOR HIM THROUGH THE SYSTEM. THE ARRESTING OFFICERS TRIED SEVERAL TIMES TO GET THE ARREST THROUGH BUT EVERY TIME HE WENT THROUGH CARPAT, CARPAT TOLD THEM THAT THEY SHOULD TALK A DAT FOR THE VIOLATION OF SERVICE CHARGE. THE ORDER FOR PLAINTIFF TO GO THROUGH THE SYSTEM ON THE VIOLATION OF SERVICE 2<sup>ND</sup> HARRIS #144 WAS TO SORT OF CHASE WHICH SHE DID. HAS SHE NOT BEEN DETERMINED TO MAKE PLAINTIFF ENTER "BOLPEN MURRAY" PLAINTIFF WOULD HAVE BEEN HOME IN AN HOUR. THIS IS MALICIOUS PERSECUTION. SHE PLAINTIFF IS ASKING FOR 10 MILLION DOLLARS FOR DAMAGES CAUSED BY DEFENDANTS UNLAWFUL ACTS. PLAINTIFF IS ALSO SEEKING PUNITIVE DAMAGES FOR THE PAIN & SUFFERING CAUSED BY THE DEFENDANTS.

